

## REMARKS

Applicant respectfully requests reconsideration of this application as amended.

### Office Action Rejections Summary

Claims 1-7, 9-14, 16-18, 20-24, 26-28, 30-33, 42-43 and 45-48 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2001/0044840 of Carleton et al. ("Carleton").

### Status of Claims

Claims 1-14, 16-18, 20-24, 26, 30-33, 42, 43, 45, 46 and 48 are pending in the application. Claims 1 and 26 have been amended to more properly define a preexisting claim limitation. The amended claims are supported by the specification. No claims have been added. No new matter has been added. No claims have been canceled.

### Claim Rejections

Claims 1-7, 9-14, 16-18, 20-24, 26-28, 30-33, 42-43 and 45-48 have been rejected under 35 U.S.C. §102(e) as being anticipated by Carleton.

### Claims 1, 2-6, 9-14, 16-18, 26-28, 42 and 46

Claim 1 as amended recites a method, comprising:

accessing a port of a host system **and logging into said host system** by a satellite system **to monitor an internal parameter** for a predetermined event related to the host system;

transferring data about the predetermined event from the satellite system to a monitoring operations center;

generating, by the monitoring operations center, a notification upon an occurrence of the predetermined event to a first person in a hierarchy;  
and

escalating, by the monitoring operations center, the notification to a second person in the hierarchy when the first person fails to acknowledge the notification in a time period.

(Emphasis added)

In the previous amendment and response, Applicant stated that:

The line 2, paragraph [0050] passage cited to by the examiner discloses the monitoring software located on client server 22 collects “status and statistics.” It is submitted that such “status and statistics” are described further in Carleton in paragraphs [0054] and [0072]. Paragraphs [0054] and [0072] of Carleton describe the status and statistics to be external items such as an interval of broken communication with a port and response period (see paragraph [0054], lines 4-14) and polling period, retries, timeout, and backoff (see paragraph [0072], lines 12-30). These “status and statistics” are external to computers 26a-26c and are collected by pinging or poling the computers. It is submitted that client server 22 of Carleton does not log into computers 26a-26c and, therefore, does not monitor an internal parameter of computers 26a-26c.

(Amendment and Response, 06/16/2006, page 11).

In response to Applicant’s argument in regards to claim 1, the Office Action states:

Paragraph 0075 of the reference Carleton teaches that the monitoring device receives information about Current Alarms in devices. These Current Alarm gives the user real time status on the state of the device. The state of a device is an internal parameter of the device. ... **Carleton does not teach that the system logs into the device, however this feature is also not a limitation of the claim.**

(Office Action, 11/4/2006, page 10), (emphasis added).

Applicant did not assert that claim 1 included the limitation of logging into a device. Applicant stated that Carleton does not log into computers to demonstrate that the parameters monitored by Carleton could not be “internal” parameters, but, rather, had to be external parameters. For the monitoring system of Carleton to monitor an internal parameter, it would need to log into the device that is to be monitored. Carleton does not disclose monitoring internal parameters, nor does it disclose a system that is capable of monitoring internal parameters. It is this lack of capability that Applicant addressed by stating that Carleton does not disclose logging into computers 26a-26c.

In reference to claim 1, the Office Action further states that, “no where in Carleton is there mention of external parameters of the system.” (Office Action, 11/4/2006, page

10). However, the fact that Carleton does not use the language 'external parameters' does not change the character of the parameters that Carleton monitors. Though Carleton does not use the words 'external parameter,' all parameters that Carleton discloses are parameters that exist external to a host system and can be collected merely by pinging or polling networked computers. As such, Carleton fails to disclose monitoring an internal parameter. As previously mentioned above, Carleton also does not disclose a system that monitors internal parameters.

Nevertheless, Applicants have amended claim 1 to more clearly define the existing limitations of claim 1. As amended, the method of claim 1 includes "accessing a port of a host system **and logging into said host system** by a satellite system to monitor an internal parameter for a predetermined event related to the host system."

In the previous Office Action, Examiner stated that, "Carleton does not teach that the system logs into the device." (Office Action, 11/4/2006, page 10). Therefore, it appears that the Examiner is in agreement that Carleton does not teach logging into a host system to monitor an internal parameter. As such, Applicant asserts that claim 1 is in condition for allowance and respectfully requests that Examiner remove his rejection above noted under 35 U.S.C. §102(e). Claims 2-6, 9-14, 16-18, 42 and 46 depend from and thus include the limitations of claim 1, and are therefore patentable for at least the reasons discussed with reference to claim 1. Therefore, Applicant respectfully requests that Examiner remove his rejections under 35 U.S.C. §102(e).

Claims 26-28 also include the limitations of logging into a host system and monitoring an internal parameter. Therefore, Applicant asserts that claims 26-28 are also patentable for at least the reasons discussed with reference to claim 1 and requests that examiner remove his rejections under 35 U.S.C. §102(e).

Claim 7, 43

Claim 7 has been rejected under 35 U.S.C. §102(e) as being anticipated by Carleton.

Claim 7 recites a method, comprising:

monitoring a host system for a parameter corresponding to a predetermined event using a satellite system located locally to the host system;

queuing data about the predetermined event collected by the satellite system, **wherein queuing the data comprises queuing different types of the data in different ones of multiple queues;**

**prioritizing a transferring of the queued data from the multiple queues;**

transferring the queued data from the host system to a monitoring operations center;

generating, by the monitoring operations center located remotely from the host system, a notification upon an occurrence of the predetermined event to a first person in a hierarchy; and

escalating, by the monitoring operations center, the notification to a second person in the hierarchy which the first person fails to acknowledge the notification in a time period.

(emphasis added)

In regards to claim 7, the office action states:

Carleton teaches that one device is monitored for different business rules. See paragraph 0075. The reference also teaches that a variety of reports are generated. See paragraph 0087. A number of additional reports exist within the system and custom reports may be created so that the administrator is supplied with the information required to properly administer the system. The custom reports allow the administrator to manage, transfer and manipulate data that comes in from different ports on the host into different lists.

(Office Action, 11/4/2006, page 11).

Applicant respectfully asserts that the Office Action has failed to respond to Applicants arguments. Monitoring a device for different business rules and generating a variety of reports for a device is not the same as queuing different data from different ones of multiple queues, or prioritizing a transferring of queued data from multiple queues. It is respectfully submitted that the Office Action fails to point out where

Carleton discloses queuing different data from different ones of multiple queues, or prioritizing a transferring of queued data from multiple queues, as recited in claim 7. Therefore, applicant respectfully requests that the rejection under 35 U.S.C. §102(e) be removed, or that Examiner more clearly point out where in Carleton such limitations can be found.

Claim 43 depends from and thus includes the limitations of claim 7, and therefore is patentable for at least the reasons discussed with reference to claim 7.

Claims 20-24, 45

Claims 20-24 and 45 have been rejected under 35 U.S.C. §102(e) as being anticipated by Carleton.

Claim 20 recites a machine readable medium having stored thereon instructions, which when executed by a processor, cause the processor to perform the following:

receiving, by a monitoring operations center data about an occurrence of a predetermined event related to a host system, the occurrence of the predetermined event determined by access of a port of the host system by a satellite system;  
generating, by the monitoring operations center, a notification upon the occurrence of the predetermined event to a first person in a hierarchy;  
escalating, by the monitoring operations center, the notification to a second person in the hierarchy when the first person fails to acknowledge the notification in a time period; and  
**providing at least one of a suggestion of a probable cause of the predetermined event and a solution to the occurrence of the predetermined event.**

(emphasis added)

The current Office Action states:

In paragraph 0087, the reference Carleton teaches that the cause of the alarm is indicated in the report generated by the monitoring system. Paragraph 0087 describes Figure 24, which shows the user the device and the rule being violated by the device. This rule is the cause of the alarm or a probable cause of the alarm as stated in the claim.

(Office Action, 11/4/2006, page 11).

The reports disclosed by Carleton do not provide a probable cause of the predetermined event. The reports indicate only the cause of an alarm, which is different from the cause of a predetermined event. The cause of an alarm indicates which device is the source, or point of origin, of the alarm. In contrast, the probable cause of a predetermined event, as recited by claim 20, indicates the reason or explanation of fact as to why a particular device has had a predetermined event. Therefore, Carleton does not disclose providing at least one of a suggestion of a probable cause of the predetermined event and a solution to the occurrence of the predetermined event, and thus does not have all of the limitations of claim 20.

For the above reasons, applicant asserts that claim 20 is in a condition for allowance and respectfully requests that examiner remove his objection under 35 U.S.C. §102(e). Claims 21-24 and 45 depend from, and thus include, the limitations of claim 20. Therefore, claims 21-24 and 45 are allowable for at least the reasons discussed with reference to claim 20, and applicant respectfully requests that the rejections to these claims under 35 U.S.C. §102(e) also be removed.

#### Claims 30-33, 48

Claims 30-33 and 48 have been rejected under 35 U.S.C. §102(e) as being anticipated by Carleton.

Claim 30 recites an apparatus, comprising:

- a configuration portal to interface with a satellite system over a communication link and **configure a service interleave factor of a host system, wherein the service interleave factor determines how service checks are interleaved;**

- a digital processing system coupled to the portal, the digital processing system to receive data indicative of an occurrence of the event and generate a first notification; and

- a notification gateway coupled to the digital processing system to transmit the first notification to a first communication device, the digital processing system to generate a second notification to a second communication device if an acknowledgement is not received within a predetermined time.

(emphasis added).

In response to Applicant's argument, the Office Action states: "Carleton teaches that different ports are selected to monitor different device alarms. See paragraph 0075. This allows for fast and real time updates on the status of the device." (Office Action, 11/4/2006, page 11). The language quoted in Office Action does not support the assertion that Carleton discloses an interleave factor. The passage quoted does not disclose an interleave factor or any terms that are equivalent. "Different ports that are selected to monitor different device alarms" are not the same as a service interleave factor.

The Office Action fails to demonstrate where in Carleton interleave factors are disclosed. Office Action references paragraphs [0051], [0054], [0062]-[0070] and [0075] in its rejection to claim 30. However, none of these paragraphs indicate the use of interleave factors. It is submitted that there is no disclosure of an interleave factor in Carleton. If Office Action continues to assert that Carleton does include an interleave factor, then Applicants respectfully request a clarifying explanation as to how the quoted material can be construed as an interleave factor.

Therefore, Applicant respectfully asserts that claim 30 is in a condition for allowance and requests that the rejection under 35 U.S.C. §102(e) be removed. Claims 31-33 and 48 depend from, and thus include, the limitations of claim 30. Therefore, claims 31-33 and 48 are allowable for at least the reasons discussed above with reference to claim 30, and applicant respectfully requests that the objections to these claims under 35 U.S.C. §102(e) also be removed.

In conclusion, applicants respectfully submit that in view of the arguments and amendments set forth herein, the applicable rejections have been overcome.

If the Examiner believes a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Daniel Ovanezian at (408) 720-8300.




If there are any additional charges, please charge our Deposit Account No. 02-

2666.

Respectfully submitted,

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